

FILED

December 19, 1988

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF:	:	Administrative Action
	:	
STEPHAN NILS REED, D.C.	:	
	:	FINAL DECISION & ORDER
TO PRACTICE CHIROPRACTIC IN	:	
THE STATE OF NEW JERSEY	:	
	:	

This matter was opened before the New Jersey State Board of Medical Examiners by way of complaint filed June 2, 1988 by the Attorney General of New Jersey, Steven N. Flanzman, Deputy Attorney General appearing. The complaint alleged that on or about October 6, 1987 Stephan Nils Reed entered a plea of guilty to manslaughter in the second degree pursuant to N.J.S.A. 2C:11-4. Such conviction was said to constitute a conviction of a crime involving moral turpitude and/or a crime relating adversely to the practice of medicine within the meaning of N.J.S.A. 45:1-21 and therefore was alleged to constitute grounds for disciplinary action against respondent. No answer was ever filed by respondent. Entered into evidence regarding respondent's receipt of notice of this proceeding at a final hearing held November 9, 1988 were:

- S1 Cover letter dated June 2, 1988 indicating service of copy of Administrative Complaint and Notice of Hearing/Notice to File Answer directed to respondent.
- S2 Certified mail receipt dated June 7, 1988 (which purports to contain signature of respondent) as to receipt of S1.
- S3 Letter dated September 15, 1988 by Executive Director Charles Janousek setting down a final hearing for Wednesday, November 9, 1988 at 10:30 a.m., Richard J. Hughes Justice Complex; letter was directed to respondent.

S4 Certified mail receipt stamped September 21, 1988
 with a signature purporting to be that of Stephan
 Reed, as to S3.

At 12:37 p.m., after calling for Dr. Reed, the hearing was convened and following receipt of the preceeding evidence regarding notice of complaint and notice of hearing, the Board determined that sufficient notice had been sent and that the Deputy Attorney General prosecuting this matter, Steven Flanzman, should proceed. Submitted into evidence by D.A.G. Flanzman were:

S5 Transcript of the October 6, 1987 acceptance
 of guilty plea regarding State of New Jersey
 versus Stephan Nils Reed, Ind. #1346-9-86.

S6 Transcript of sentencing of Stephan Nils Reed
 regarding Ind. #1346-9-86 dated January 22, 1988.

The Deputy Attorney General asserted that the transcripts indicated that Dr. Reed had obtained prescriptions for his fiancée, the deceased, Lorraine Quinn, and that he had travelled with her to the lower east side of New York in order to buy Doriden and Codeine (popularly known as "Hits") (S5-pp. 25-29). He purchased the drugs for his fiancée, drove back to Bayonne where respondent and his fiancée ingested valium and the hits and perhaps some alcohol. Thereafter respondent claims to have fallen asleep. Ms. Quinn was found dead in the morning. The deputy further asserted that the indictment, which was part of the record, initially charged the respondent with murder by asphyxiation which was then downgraded to manslaughter by plea bargain and with court approval.

The sentencing transcript indicates that because of a potential life threatening cardiac condition, respondent would not be incarcerated (S-6 at 49). The sentencing judge indicated that if it had not been for the medical issue, respondent would have been sentenced to jail for a period of years (S-6 at 57). Respondent

was sentenced to a probationary term for a period of five (5) years, the maximum fine of \$7,500; a Violent Crimes Compensation Board penalty, 500 hours of community service and the sentencing judge indicated that he was aware that the Board of Medical Examiners was taking initial investigative steps and would perhaps remove Reed's license in the State of New Jersey (S6 at 58-60).

Deputy Attorney General Flanzman argued that as a member of the medical profession, respondent should have been acutely aware of the potentially serious harm that could occur from the ingestion of the combination of drugs which he obtained for and ingested with his fiancée. He argued that Dr. Reed's conduct exhibited a reckless indifference to the quality of his fiancée's life and that since respondent was a member of a health care profession, he should be held to a standard of more acute awareness of the affects of drugs than a layman. Revocation of Dr. Reed's license was therefore urged.

The Board considered all the evidence and found that the crime of which Dr. Reed was convicted involved moral turpitude and is adversely related to the practice of chiropractic medicine. Respondent's acts clearly reflected a fundamental disregard for the danger inherent in the use and abuse of controlled dangerous substances which tragically related to the death of his fiancée. Such conduct simply cannot be condoned in a licensed professional. The Board notes that respondent has not responded in any way to the allegations of the complaint nor has any mitigation been presented. Therefore, since the Board has found that Dr. Reed has committed an act that is so heinous that it violates fundamental professional and societal precepts as well as evidencing a disregard

of those obligations both honest professionals owe to the public and those with whom they associate, (See State Board of Medical Examiners v. Weiner, 68 N.J. Super. 468 (1961)), and for the other reasons expressed herein, the Board considers that the only appropriate sanction is license revocation.

IT IS THEREFORE ON THIS 8th DAY OF December, 1988,
ORDERED:

1. That the license of STEPHAN NILS REED, D.C. to practice chiropractic in the State of New Jersey be and hereby is revoked.

2. Dr. Stephan Nils Reed shall surrender forthwith to the office of the Board his engrossed certificate and registration and renewal.

3. Dr. Stephan Nils Reed shall comply with the attached list of restricted activities of disciplined licensees.

4. This Order is effective upon filing.

STATE BOARD OF MEDICAL EXAMINERS

By: Frank J. Malta
FRANK J. MALTA, M.D., PRESIDENT

DIRECTIVE REGARDING FUTURE ACTIVITIES
OF MEDICAL BOARD LICENSEE WHO HAS BEEN DISCIPLINED

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of the licensed profession in any form either as principal or employee of another.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new professional is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing medical record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices the profession.
- 5) Desist and refrain from furnishing professional services, giving an opinion as to the professional practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.
- 6) Not use any sign or advertise that such person, either alone or with any other person has, owns, conducts or maintains a professional office or office of any kind for the practice of the profession or that such person is entitled to practice, and such person shall promptly remove any sign suggesting ability of the disciplined practitioner to practice the profession.
- 7) Cease to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed of, transferred or safeguarded.

8) The disciplined licensee shall require that for a six-month period following the start of a suspension or revocation of license, a message be delivered to those telephoning the former office premises advising former patients where they may obtain their records. The message may inform callers that the practice is now being conducted by (another) named licensee, and the new telephone number of that licensee may be announced. The same information shall be disseminated by means of a notice to be published at least once per month for the same six month period in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted.

9) Not share in any fee for professional services performed by any other professional following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

10) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and/or equipment.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a member of a professional group which uses a group-type name such as the ABC Medical Group. The disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

11) Report promptly to the Board compliance with each, directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

12) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the New Jersey State Board of Medical Examiners in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

13) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 30 days after the effective date of the Board Order, file with the Secretary of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence address or telephone number shall be promptly reported to the Secretary.